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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Chile, Colombia, Costa Rica, Ecuador, El Salvador, France, Guatemala, Honduras, Hungary, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain, Sweden, Uruguay and Venezuela: draft resolution

Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights 2/ and the International Covenant on Economic, Social and Cultural Rights, 2/

Convinced that the Peace Agreements reached on 16 January 1992 at Chapultepec, Mexico, 3/ between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional reflect that country's profound aspiration for peace and justice, and that scrupulous compliance therewith will not only permit an end to the conflict through political means but also lay the bases for major political, legal, economic and social changes which

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ A/46/864.

must involve all sectors of the country in building a democratic society working for a common cause,

Bearing in mind that the Secretary-General, pursuant to Commission on Human Rights resolution 1992/62 of 3 March 1992, 4/ appointed an Independent Expert to provide assistance in human rights matters to the Government of El Salvador, consider the human rights situation in the country and the effects of the implementation of the Peace Agreements on the effective enjoyment of human rights and investigate the manner in which both parties are applying the recommendations contained in the final report of the Special Representative 5/ and those made by the United Nations Observer Mission in El Salvador and the commissions established during the negotiating process,

Taking into account the provisional report prepared by the Independent Expert, 6/ and also the other reports submitted by the Secretary-General and the United Nations Observer Mission in El Salvador,

Noting with satisfaction that despite the delays and difficulties that have arisen in the process of implementing the Peace Agreements, both parties have scrupulously observed the cease-fire and, through the mediation of the Secretary-General and his representatives, have adopted agreements which, if implemented within the new time-limits, will lead to the final cessation of the armed conflict on 15 December 1992,

Taking into account that after 15 December 1992, the parties will have to fulfil, on the agreed dates, a number of commitments made in the Peace Agreements which are necessary for the reunification of Salvadorian society, the country's stability and the effective enjoyment of human rights,

Bearing in mind that the overall process of implementation of the Agreements requires supervision by the United Nations Observer Mission in El Salvador in order to help ensure the scrupulous fulfilment of commitments in accordance with the agreed timetable,

Considering that the Governments which make up the Group of Friends of the Secretary-General, namely, Colombia, Mexico, Spain and Venezuela, and also the Government of the United States of America reiterated on 12 November 1992 their determination to continue supporting the work of the Secretary-General until the full and comprehensive implementation of all the Peace Agreements is achieved in El Salvador,

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4/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

5/ E/CN.4/1992/32.

6/ A/47/596.

Aware that the international community must follow closely and continue to support all efforts to consolidate peace, ensure respect for human rights and undertake the reconstruction of El Salvador,

Bearing in mind that the creation of the Office of the National Counsel for the Defence of Human Rights and of the National Civil Police, and also the reform of the judicial system, are necessary for putting in place a sound structure for the effective protection of human rights, and that these measures have not proceeded as stipulated in the Peace Agreements,

Considering that a commitment was made to implement the recommendations of the Ad Hoc Commission, the Commission on the Truth and the Human Rights Division of the United Nations Observer Mission in El Salvador,

Observing that the cessation of the armed conflict has itself eliminated an important source of violations of human dignity, but has not been sufficient to prevent the persistence of human rights violations which, unless they are punished and eliminated as soon as possible, could cause a recurrence of situations of increased human rights violations since the resources available to civil society with which to combat them are still weak,

1. Commends the Independent Expert for his report and the members of the Ad Hoc Commission, the Commission on the Truth and the United Nations Observer Mission in El Salvador for their work in favour of human rights and the consolidation of peace in El Salvador;

2. Expresses its satisfaction at the steps taken to implement the vital Peace Agreements reached on 16 January 1992 by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, and at the flexibility shown by both parties in overcoming obstacles and differences and in maintaining the close linkage between the implementation of the various commitments assumed by them, in order to ensure the full and scrupulous implementation of all the Agreements;

3. Welcomes the fact that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, at the proposal of the Secretary-General, have agreed to implement the agreements which will permit the holding, on 15 December 1992, of a national reconciliation ceremony which should put a final end to the armed conflict, and to step up their commitment to fulfil the remaining agreements in order to guarantee the consolidation of peace;

4. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional scrupulously to fulfil all their commitments within the agreed time-limits and, with a heightened sense of responsibility and in a spirit of détente and reconciliation, to ensure that as of 15 December 1992 normal living conditions prevail throughout the country, especially in the zones most affected by the armed conflict;

5. Also urges all sectors of Salvadorian society to show moderation and act constructively in order to dispel the animosities aroused by the armed conflict and to support the mandate which the President of El Salvador has to carry out in order to achieve the goals of peace, national reconciliation and democratization, in accordance with the Peace Agreements;

6. Expresses its gratitude for the effective, timely mediation of the Secretary-General and his representatives and extends them its support so that they can continue to take all necessary steps to contribute to the successful implementation of all the Peace Agreements;

7. Welcomes the fact that the Governments which make up the Group of Friends of the Secretary-General and the Government of the United States of America will continue to support the work of the Secretary-General until the full and comprehensive implementation is achieved of all the Peace Agreements, which reflect the determination and the desire of the Salvadorian people to live in peace, democracy and prosperity;

8. Encourages the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to implement the recommendations of the Ad Hoc Commission, the United Nations Observer Mission in El Salvador and, in due course, the Commission on the Truth;

9. Endorses all the recommendations made by the Independent Expert in his report, especially those aimed at strengthening the Office of the National Counsel for the Defence of Human Rights, setting up and developing the National Civil Police in accordance with the model that resulted from the Peace Agreements and carrying out the agreed reform of the judicial system;

10. Reiterates its appeal to all States to contribute to the consolidation of peace in El Salvador by supporting full compliance with the Peace Agreements and generously financing their implementation and the implementation of the National Reconstruction Plan;

11. Decides to keep the situation of human rights in El Salvador under consideration during its forty-eighth session, in the light of the course of events in the country.